



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/353,680	11/03/94	WANG	CELL15

HM11/0125

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EXAMINER  
FRIEBE, S

ART UNIT  
1632

PAPER NUMBER

DATE MAILED:

01/25/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Notice of Allowability**Application No.  
**08/333,680**Applicant(s)  
**Wang et al.**Examiner  
**Scott D. Priebe, Ph.D.**Group Art Unit  
**1632**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the amendment filed 1/13/99.

☒ The allowed claim(s) is/are 37-48, 52, 54, 56, and 57.

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 4.

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413, Paper Nos. 23, 25, 26

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Authorization for this examiner's amendment was given in a telephone interview with Laura Coruzzi on 1/20/99.

The application has been amended as follows:

Claims 49 and 50 were cancelled.

In claim 37, at line 4, "both" was deleted, and --, E2A-- was inserted after "E1"; and in line 5 --gene-- was inserted after "early".

In claim 38, in line 6, --gene-- was inserted after "early".

In claim 39, in each of lines 7-10, --gene-- was inserted after "early"; in line 9, "E1 and" was deleted; and in line 10, "regions are" was replaced with --region is--.

In claim 46, line 5, the comma "," after "E2A" was replaced with -- and--; in line 6, ",viral structural genes," was replaced with a semicolon --;--; in line 9, "both" was deleted and --, E2A-- was inserted after "E1"; and in line 10, --gene-- was inserted after "early".

In claim 47, line 7, --gene-- was inserted after "early".

In claim 48, line 3, "or" was replaced with --and--; in each of lines 2, 4 and 13, --gene-- was inserted after "early"; in lines 2 and 4, "region" was replaced with --regions--; in line 10, the comma "," after "E2A" was replaced with -- and--; in lines 10-11, ",viral structural genes," was replaced with a semicolon --;--; and in line 13, "both" was deleted and --, E2A-- was inserted after "E1".

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In claim 54, line 1, "adenovirus" was replaced with --adenoviral vector--.

In claim 57, line 1, --39 or-- was inserted before "48" and ", 49, or 50" was deleted.

### *Interference*

All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Certain papers related to this application may be submitted to Art Unit 1632 by facsimile transmission. The FAX number is (703) 308-4242 or 305-3014. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6(d)). NOTE: If applicant *does* submit a paper by FAX, the original copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED, so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott D. Priebe whose telephone number is (703) 308-7310. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Stanton, Ph.D., can be reached on (703) 308-2801.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*Scott D. Priebe*

Scott D. Priebe, Ph.D.  
Primary Examiner  
Technology Center 1600  
Art Unit 1632